WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 736

(By Mr. Davis or Mr. Million)

PASSED February 25, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/5/76
ENROLLED

H. B. 736

(By Mr. Harmann and Mr. Millsom)

[Passed February 25, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact chapter one hundred thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy-two, relating to authorizing the creation of the Potomac highlands airport authority, specifying its powers and duties, membership, tax exemption for its property, funds and obligations, permitting the Mineral county commission, and county commissions of West Virginia counties contiguous to Mineral County, to enter into intergovernmental agreements with the state of Maryland, Allegheny County, Maryland, Maryland counties contiguous to Allegheny County, the city of Cumberland, Maryland, and other Maryland municipalities in such Maryland counties pertaining to the operation of an airport situated in Mineral County, West Virginia.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred thirty-four, acts of the Legislature, regular session, one thousand nine hundred seventy-two, be amended and reenacted to read as follows:

POTOMAC HIGHLANDS AIRPORT AUTHORITY.

§1. County commissions empowered to enter into intergovernmental agreements with Potomac highlands airport authority.

The county commissions of Mineral County and of counties contiguous to Mineral County, and the governing bodies of municipalities situate in such counties, are hereby authorized and empowered to enter into intergovernmental agreements
with the state of Maryland, Allegheny County, Maryland, and
Maryland counties contiguous to Allegheny County, Cumber-
land, Maryland, and other municipalities situate in such
Maryland counties, and the Potomac highlands airport
authority regarding the operation and use of the Cumberland
municipal airport, and situate in Mineral County, West Vir-
ginia. Such agreements shall be reciprocal in nature and may
include, but shall not be limited to, conditions governing the
operation, use, maintenance of airport facilities, taxation of
aircraft owned by Maryland residents and others, and user fees.

§2. **Potomac highlands airport authority authorized.**

The county commissions of Mineral County and other
counties contiguous thereto, and the governing bodies of
municipalities situate in such counties, or any one or more
of them, jointly and severally, are hereby authorized to
create and establish, with proper governmental units of the
state of Maryland, Allegheny County, Maryland, and other
counties contiguous to Allegheny County, Cumberland, Mary-
land, and other municipalities situate in such Maryland
counties, or any one or more of them, a public agency to be
known as the “Potomac Highlands Airport Authority” in the
manner and for the purposes hereinafter set forth.

§3. **Authority a corporation.**

The authority when created, and the members thereof, shall
constitute a public corporation and as such shall have perpetual
succession, may contract and be contracted with, sue and
be sued, and have and use a common seal.

§4. **Purposes.**

The authority is hereby authorized and empowered to
acquire, equip, maintain, and operate an airport or landing
field and appurtenant facilities in Mineral County on the
Potomac River near Ridgeley, West Virginia, to serve the
area in which it is located.

§5. **Members of authority.**

The management and control of the Potomac highlands
airport authority, its property, operations, business and affairs
shall be lodged in a board of seven or more persons who
shall be known as members of the authority and who shall be appointed for terms of three years each by such counties, municipalities or other governmental units situate in West Virginia and Maryland as contribute to the funds of the authority, in such proportion between such states and such counties, municipalities and units, and in such manner, as may from time to time be provided in the bylaws adopted by the authority: Provided, That the first board shall be appointed as follows:

(1) The county commission of Mineral County shall appoint two members for terms of two and three years, respectively;

(2) The governing official or body of the municipality of Cumberland, Maryland, shall appoint three members for terms of one, two and three years, respectively;

(3) The governing official or body of Allegheny County, Maryland, shall appoint two members for terms of one and two years, respectively.


The Potomac highlands airport authority is hereby given power and authority as follows:

(1) To make and adopt all necessary bylaws, rules and regulations for its organization and operations not inconsistent with law;

(2) To take all legal actions necessary or desirable in relation to the general operation, governance, capital expansion, management and protection of the Cumberland municipal airport;

(3) To increase the number of members of the authority, and to set the terms of office and appointment procedures for such additional members;

(4) To elect its own officers, to appoint committees and to employ and fix the compensation for personnel necessary for its operation;

(5) To enter into contracts with any person, firm or corporation, and generally to do anything necessary for the
purpose of acquiring, equipping, expanding, maintaining and operating an airport as aforesaid;

(6) To delegate any authority given to it by law to any of its officers, committees, agents or employees;

(7) To apply for, receive and use grants in aid, donations and contributions from any sources;

(8) To take or acquire lands by purchase, holding title thereto in its own name;

(9) To purchase, own, hold, sell and dispose of personal property and to sell and dispose of any real estate which it may have acquired and may determine not to be needed for its purposes;

(10) To borrow money;

(11) To extend its funds in the execution of the powers and authority hereby given;

(12) To take all necessary steps to provide for proper police protection at the airport; and

(13) To inventory airplanes and other personal property at the airport and provide the assessor of Mineral County and other proper governmental officials with full particulars in regard thereto.

§7. Participation.

The county commissions of Mineral County and of counties contiguous thereto, and the governing bodies of municipalities situate in such counties, or any one or more of them, jointly and severally, are hereby authorized and empowered to appoint members of the said authority and to contribute to the cost of acquiring, equipping, maintaining and operating the said airport and appurtenant facilities.

Any of the foregoing county commissions or municipal corporations is hereby authorized and empowered to transfer and convey to the said authority property of any kind herefore acquired by said county commission or municipal corporation for airport purposes.
§8. Funds and accounts.

Contributions may be made to the authority from time to time by the various bodies contributing to its funds and shall be deposited in such bank or banks as a majority of the members of the authority may direct and shall be withdrawn therefrom in such manner as the authority may direct.

The authority shall keep strict account of all of its receipts and expenditures and shall make quarterly reports to the public and private bodies contributing to its funds containing an itemized account of its operations in the preceding quarter. The accounts of the authority shall be regularly examined by the state tax commissioner in the manner required by article nine, chapter six of the code of West Virginia.

§9. Property and obligations of authority exempt from taxation.

The authority shall be exempt from the payment of any taxes or fees to the state of West Virginia or any subdivisions thereof or to any officer or employee of the state or other subdivision thereof. The property of the authority shall be exempt from all local and municipal taxes. Notes, debentures and other evidence of indebtedness of the authority are declared to be issued for a public purpose and to be public instrumentalities, and, together with interest thereon, shall be exempt from taxes.

§10. Sale or lease of property.

In the event all of the public corporations contributing to the funds of the authority shall so determine the authority shall make sale of all of its properties and assets and distribute the proceeds thereof among those contributing to its funds; or in the event such of the supporting corporations contributing a majority of the funds of said authority shall so determine the authority may lease all of its property and equipment upon such terms and conditions as the authority may fix and determine.

§11. Employees to be covered by workmen's compensation.

All employees of the authority eligible thereto shall be deemed to be within the workmen's compensation act of West Virginia and premiums on their compensation shall be paid by the authority as required by law.
§12. Liberal construction of act.

1. It is the purpose of this act to provide for the maintenance and operation of an airport in a prudent and economical manner and this act shall be liberally construed as giving to the authority full and complete power reasonably required to give effect to the purposes hereof. The provisions of this act are in addition to and not in derogation of any power existing in the county commissions and municipal corporations herein named under any constitutional, statutory or charter provisions which they or either of them may now have, or may hereafter acquire or adopt.


1. The several sections and provisions of this act are severable, and if any section or provision hereof shall be held unconstitutional, all the remaining sections and provisions of the act shall nevertheless remain valid.

§14. When act goes into effect.

1. This act shall become effective immediately upon the enactment by the state of Maryland of legislation, similar in nature to this act, providing for the Potomac highlands airport authority.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 4th day of March, 1976.

Governor
PRESENTED TO THE
GOVERNOR

Date 2/27/76
Time 4:00 p.m.